

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

**CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

1. Carrier violated and continues to violate the rules of the Clerks' Agreement at Dubuque, Iowa beginning on or about April 1, 1958 when it required or permitted Employee Donald J. Miller to perform the duties of two different positions in two different seniority districts and in two different departments and, although this required his working in excess of 8 hours per day and 40 hours per week, compensated him at the straight time rate of pay for all work performed.

2. Carrier shall compensate Employee D. J. Miller an additional four (4) hours for each day so used retroactive sixty (60) days prior to June 19, 1958.

2. Carrier shall remove the stenographic requirement from Position No. 40, Seniority District No. 32, and shall bulletin such position as Typist-Clerk or Dictaphone Operator and shall compensate Employee C. W. Scott, furloughed clerk in Seniority District No. 32, for (8) hours each day that Employee Miller, while permanently assigned to Position No. 147 in District No. 98, was used and permitted to perform work in District No. 32, retroactive sixty (60) days prior to June 19, 1958.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the Carrier and Employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon was waived by the parties and under date of April 29, 1960, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Secretary

Dated at Chicago, Illinois this 18th day of May, 1960.